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E-FILED - 10/14/08

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
[San Jose Division]

UNITED STATES OF AMERICA,)	Cv-04-03340-RMW, 06-6276-RMW
	)	[Related to Cr. 99-20092-RMW]
Plaintiff/respondent,)	
vs.	)	RENEWED REQUEST
FREDERICK L. SHIRLEY,	)	FOR APPOINTMENT OF
	)	COUNSEL AND LEAVE TO
Defendant/Movant.	)	PROCEED IN FORMA PAUPERIS
	)	ON APPEAL AND
	)	ORDER
)	
	)	Court: Hon. Ronald M. Whyte

As part of the Notice of Appeal filed on May 30, 2008, movant Frederick Shirley requested this Court to grant him in forma pauperis status on the appeal and to appoint the undersigned to represent him. On July 22, 2008, the district court granted a Certificate of Appealability ("COA") on both claims raised in the §2255 motion. The request for appointment of counsel and IFP status was acknowledged by the Court in the COA, but no order appears to have been issued. A similar motion was granted as to co-defendant Cliffina Johnson.

Therefore, these requests are hereby renewed, and a proposed order (slightly

1 revised from the one submitted with the Notice of Appeal) follows this request. Mr.
2 Shirley remains on supervised release while the appeal is pending. The Court of
3 Appeal case number assigned to this appeal is 08-16991.

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5 DATED: September 25, 2008

6 Respectfully submitted,

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8 /S/ Suzanne A. Luban
9 SUZANNE A. LUBAN
10 Counsel for Fred Shirley
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
[San Jose Division]

UNITED STATES OF AMERICA,	)	Cv-04-03340-RMW (Consolidated
	)	with 06-6276-RMW)
	)	[Related to Cr. 99-20092-RMW]
Plaintiff/respondent,)	
vs.	)	ORDER
FREDERICK L. SHIRLEY,)	
)	
Defendant/Movant.)	
)	
	)	Judge: Hon. Ronald M. Whyte

For Good Cause Shown, IT IS HEREBY ORDERED:

- (1) Movant is permitted to proceed on appeal in forma pauperis; and
- (2) Suzanne A. Luban is hereby appointed for the appeal pursuant to the Criminal Justice Act, nunc pro tunc to July 22, 2008, the date the Certificate of Appealability was granted by this Court.

Dated: 10/10, 2008


RONALD M. WHYTE
U.S. District Court